

File No. 08-CV-603 (DWF/AJB)

Plaintiff,

V.

CMI of Kentucky, Inc.,
a Kentucky corporation,

Defendant,

and

Robert J. Bergstrom, Craig A. Zenobian, Shane M. Steffensen, and Christopher D. Jacobsen,

Plaintiff-Intervenors.

**AFFIDAVIT OF WILLIAM A. MCNAB IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS THE COMPLAINT IN INTERVENTION OF
PLAINTIFF-INTERVENOR CHRISTOPHER D. JACOBSEN**

STATE OF MINNESOTA)
) ss:
COUNTY OF HENNEPIN)

William A. McNab, having been duly sworn upon oath, states as follows:

1. I am an attorney duly licensed to practice law in the State of Minnesota and admitted to practice before this Honorable Court. I am a shareholder with the law firm of Winthrop & Weinstine, P.A., 225 South Sixth Street, Suite 3500, Minneapolis,

Minnesota 55402, and represent the Defendant in the above-captioned matter. I respectfully submit this affidavit upon personal knowledge.

2. Attached hereto as Exhibit 1 is a true and correct excerpt from the State of Minnesota's ("State") October 1996 Request for Proposal ("RFP").

3. Attached hereto as Exhibit 2 is a true and correct copy of Amendment No. 4 to the Contract between the State and CMI.

4. Attached hereto as Exhibit 3 is a true and correct copy of the State's Memorandum of Law Opposing Petitioner's Motion for Additional Discovery in *Derheim v. Commissioner of Public Safety*, Case No. 66-CV-07-3323.

5. Attached hereto as Exhibit 4 is a true and correct copy of the State's Memorandum of Law Opposing Petitioner's Motion for Additional Discovery in *Zulpo v. Commissioner of Public Safety*, Case No. 70-CV-08-5244.

6. Attached hereto as Exhibit 5 is a true and correct copy of the Affidavit of Glenn G. Hardin, dated November 16, 2007.

7. Attached hereto as Exhibit 6 is a true and correct excerpt from the State's October 1996 RFP.

8. Attached hereto as Exhibit 7 is a true and correct copy of Judge Venne's March 25, 2008 Order in *State of Minnesota v. Christopher D. Jacobsen*, Case No. 02-CR-07-370.

9. Attached hereto as Exhibit 8 is a true and correct excerpt from CMI's October 1996 Proposal in response to the State's RFP.

10. Attached hereto as Exhibit 9 is a true and correct excerpt from CMI's October 1996 Proposal in response to the State's RFP.

11. Attached hereto as Exhibit 10 is a true and correct excerpt from CMI's October 1996 Proposal in response to the State's RFP.

12. Attached hereto as Exhibit 11 is a true and correct copy of the State's January 2, 1997 Notification of Contract Award awarding the Contract to CMI.

FURTHER YOUR AFFIANT SAYETH NOT.

s/William A. McNab
William A. McNab

Subscribed and sworn to before me
this 6th day of January, 2009.

s/Elizabeth H. Mulvaney
Elizabeth H. Mulvaney
NOTARY PUBLIC-MINNESOTA
My Commission Expires Jan. 31, 2010

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